

CROYDON SAFEGUARDING CHILDRENS BOARD

CHILD TRAFFICKING PROTOCOL

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CROYDON
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We would like to thank the charity Croydon Community Against Trafficking (CCAT) for sharing their experience and determination with us to help combat human trafficking in our community and for their support with a number of the procedures that are now being implemented

ACRONYMS

A guide to the abbreviations used in this document

ACST - Assessment and Community Services Team

CA – Competent Authority

CFAB – Children and Families Across Borders

CSCB – Croydon Safeguarding Childrens Board

CTAIL – Child Trafficking Advice and Information Line

EPO – Emergency Protection Order

ISS – International Social Services

LSCB – London Safeguarding Childrens Board

MASH – Multi Agency Safeguarding Hub

NCA – National Crime Agency

NGO – Non Governmental Organisation

NRPF – No Recourse to Public Funds Team

NSPCC – National Society for the Prevention of Cruelty to Children

NRM – National Referral Mechanism

PNC – Police National Computer

SA – The Salvation Army

CSAB – Croydon Safeguarding Adults Board

SVoHT – Suspected Victims of Human Trafficking

UKVI – UK Visas & Immigration

UKHTC – UK Human Trafficking Centre

2. INTRODUCTION

- 1 Child trafficking is a serious issue which can have a devastating and lasting impact on its victims both nationally and internationally. In July 2011, the UK Government published its new [Human Trafficking Strategy](#) for the UK. This sets out the steps to be taken as well as the actions required and responsibilities of a range of stakeholders
- 2 The Croydon Child Trafficking Protocol recognises that the development of a local multi-agency approach, which is able to establish long-term responses to addressing trafficking, is likely to be more effective than individual initiatives. The London Safeguarding Trafficked Children Toolkit 2011 ([Appendix 2 – Document A](#)) remains the operational resource to be used by Croydon Council practitioners within the Croydon Council Unaccompanied Minors Team or the Assessment and Community Services Team dealing with any case where a child is a Suspected Victim of Human Trafficking (SVoHT)
- 3 Many children arrive in the UK every day from overseas. The majority do so legally and do not raise concern for statutory authorities. There is a significant minority of children who arrive, but are victims of organised and criminal child trafficking. These children are at risk of significant harm and may have been deceived, coerced or forced into the control of others who seek to profit from their exploitation. All forms of child trafficking are forms of abuse and as such, everyone working or in contact with children and young people has a responsibility to make sure their welfare is safeguarded

This protocol is centred upon the following set of principles for cases of both internal and international child trafficking:

- All child victims of trafficking are being exploited and are physically and emotionally at risk in both the long and short term
- As confirmed by the [Palermo Protocol](#), children do not make informed choices to enter or remain in a situation where they are victims of exploitation, but instead do so under coercion
- Adult traffickers who coerce children into exploitative situations should be the focus of the primary law enforcement effort. Child victims of trafficking should be treated as victims rather than perpetrators of crime
- The success of intervention depends upon all involved agencies, both statutory and voluntary, working together closely in order to regularly report, monitor and share key information. This should include, but not be limited to:
 - i) The results of locally gathered intelligence about local sectors where trafficking may occur and incidences of trafficking victims being identified

- ii) Increase/decrease in frequency of victims and witnesses presenting
 - iii) The results of any local initiatives.
- In order to facilitate the sharing of information, lead officers from key agencies should be nominated whose roles are to:
 - i) Form part of the membership of a multi-agency strategy group where a child is a SVoHT
 - ii) Be a source of information and advice for members of their respective agencies and other professionals in the area
 - The response to suspicion of trafficking should address the individual circumstances of the child, including consideration of issues such as gender, race, culture, religion and sexual orientation

3. DEFINITIONS

- 4 *'Human trafficking'* is defined under the Palermo Protocol as *'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'*
- 5 A *'child'* is defined within the Children Act 1989 as any person under eighteen years of age. The term *'child'* is used interchangeably with the term *'young person'* within this protocol
- 6 *'The Palermo Protocol'* is the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, linked to the UN Convention against Transnational Organised Crime (2000). The Palermo Protocol provides the internationally accepted definition for child trafficking and was ratified by the UK Government in 2006. The Palermo Protocol establishes children as a special case. Any child transported for exploitative reasons is considered to be a victim of trafficking whether or not they have been deceived or agreed to it. This is because it is not considered possible for children to give informed consent.
- 7 *'The Competent Authority'*. The UK Human Trafficking Centre (UKHTC) is the central point of contact for anybody who encounters a victim they suspect has been trafficked into or within the UK. The UKHTC is the designated *'Competent Authority'* for the identification of victims and is a multi-agency organisation which is staffed by police officers, civilian employees of the UKHTC and the UKVI. There is a separate, but linked competent authority, which is situated within the UKVI

- 8 *'Trafficking' and 'smuggling'* are the two most common terms for the illegal movement of humans, but they are different. In human smuggling, asylum seekers and immigrants pay people to help them enter the country illegally, after which there is no longer a relationship. Victims of trafficking are coerced or deceived by the person arranging their relocation. However, there is a difference between adult and child trafficking, where the victim is a child neither coercion nor deception need to be present for the child to be considered trafficked. On arrival in the country of destination the trafficked child or person is denied their human rights and is forced into exploitation by the trafficker or person into whose control they have been delivered or sold
- 9 *The National Referral Mechanism (NRM)* is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support. The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. The key to the NRM's success is the location and identification of SVoHT. The NRM is the mechanism through which the UKHTC collects data about victims. This information contributes to building a clearer picture about the scope of human trafficking in the UK. This information can be found on the [UKHTC website](#). The UKHTC is part of the newly established National Crime Agency (NCA). Croydon Council is a first responder (FR) into the NRM process

4. CHILD TRAFFICKING

- 10 Children are trafficked for a number of reasons which include, but are not limited to, sexual exploitation, forced labour, domestic servitude, benefit fraud and the involvement in criminal activity such as pick-pocketing, theft, selling illegal DVDs and working on cannabis farms. Whilst there is no documented evidence of certain forms of exploitation such as organ harvesting, all agencies should remain vigilant.
- 11 Child trafficking may occur due to a variety of factors. There are a number of contributory factors within a child's country of origin which might make children vulnerable to trafficking. Reasons can include, but are not limited to the following:
- Poverty
 - Cultural attitudes
 - Lack of education/awareness
 - Grooming
 - Dysfunctional families
 - Political conflict and economic push/pull factors
 - Inadequate legal regulation and local law
- 12 Trafficking is a clandestine activity and it is difficult to identify victims and record numbers. Data on people who are SVoHT is now being collected through the National Referral Mechanism (NRM) which was established in 2009.

4.1. Internal Trafficking

13 Internal Trafficking is the trafficking of victims within the country, including UK nationals. One example given by the UKHTC involved sexual exploitation, where young girls are groomed by men who win their trust through gifts and in some cases addiction to drugs and alcohol, before forcing them to sleep with other men for money. There may be a risk to children in care and particularly to those in residential units of being targeted by gangs for internal trafficking purposes. Also there is a risk to children as a result of online grooming

4.2. How are children trafficked, recruited and controlled?

14 The tactics used to recruit child trafficking victims are diverse. Some children are coerced, but others may be trapped by subversive methods. An example of this is where a child may be promised education, or 'legitimate' work in restaurants or as a domestic servant. Parents may be persuaded that their child/ren will have a better life elsewhere.

15 Once recruited, children may travel on authentic or false documents. In either case, the child will rarely have access or control over their travel documents. One of the key methods employed by traffickers to exert control over trafficked children is by keeping their passport and threatening that they will be deported if they escape.

16 Prior to travel, children may be subject to abuse or exploitation in order to ensure the trafficker's enduring control over them after the child is transferred to someone else. The tactics employed to achieve this include:

- Confiscation of child's identity documents
- Violence, or threats of violence towards the child
- Social isolation of the child
- Restriction of movement of the child
- Threatening to report the child to the authorities
- Depriving the child of money
- Control through fear based upon cultural or belief system ie spirit possession, witchcraft or voodoo.

5. INDICATORS OF CHILD TRAFFICKING

17 A number of indicators can suggest that a child may have been trafficked into the UK and may still be under the control of the traffickers or the receiving adult. These may manifest at the port of entry or whilst the child is resident in the UK

18 Allegations that a child may have been exploited through trafficking should be treated with caution. The following indicators should not individually be viewed as definitive proof of child trafficking, but they may be suggestive of the possibility

5.1. At port of entry

19 The following indicators may suggest that a child is a victim of human trafficking. These indicators may also become known whilst the child is resident in the UK. These include situations where:

20 *The child :*

- has entered the country illegally
- has no passport or other means of identification
- has false documentation
- is unable to confirm the name and address of the person meeting them on arrival
- does not appear to have money but does have a mobile phone
- is in possession of money and goods which are not accounted for
- has had their journey (or visa) arranged by someone other than themselves or their family
- is malnourished
- is accompanied by an adult who insists on remaining with them at all times
- is withdrawn and refuses to talk or appears afraid to talk to a person in authority
- has a prepared story, very similar to those that other children have given
- exhibits self-assurance, maturity and self-confidence not expected to be seen in a child
- is unable, or reluctant to give details of accommodation or other personal details

21 *The sponsor :*

- is known to have acted as the guarantor on the visa applications for other children and/or has previously made multiple visa applications
- is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their country of origin on the expiry of those visas

5.2. Whilst resident in the UK (in addition to those listed in points 20 & 21 above)

22 *The child :*

- receives unexplained/unidentified phone calls whilst in placement/temporary accommodation
- has a history with missing links and unexplained moves
- has gone missing from local authority care
- has gone missing from education
- is required to earn a minimum amount of money every day
- shows signs of physical or sexual abuse and/or has contracted a sexually transmitted infection or has an unwanted pregnancy
- works in various locations
- appears to be missing for periods
- has limited freedom of movement

- is known to beg for money
- performs excessive housework chores and rarely leaves the residence
- is being cared for by adults who are not their parents and the quality of the relationship between the child and the adult carer is not good
- has not been registered with or attended a GP practice
- is one among a number of unrelated children found at one address
- has to pay off exorbitant debt e.g. for travel costs, before having control over own earnings
- has not been enrolled in school

6. VULNERABLE GROUPS OF CHILDREN

23 Children may be trafficked for a number of purposes, but the following groups are particularly vulnerable:

6.1 Private fostering

24 Private fostering is any arrangement whereby a child under the age of 16 resides for more than 28 days in the care of somebody who is not a parent or close relative or somebody with parental responsibility (a close relative is defined as a grandparent, brother, sister, uncle or aunt whether of full blood, half blood or by marriage or civil partnership or step-parent). This is defined under section 66 of the Childrens Act 1989

25 Parents and private foster carers are legally required to notify Croydon Council of a private fostering arrangement, but many do not, for a variety of reasons. The reasons are not always associated with a risk of serious harm to the child. Concurrently, identifying a child who is privately fostered does not of itself indicate that the child has been trafficked

26 However, some children in private fostering arrangements are vulnerable to being exploited in domestic servitude as well as other forms of forced labour or even sexual exploitation. There are difficulties associated for practitioners to identify these children as well as tracking their movements and hence monitor their welfare. It is vital for practitioners to consider whether the carer, whether or not presenting as a relative, is maintaining a private fostering arrangement in order to exploit the child for their own gain

6.2. Inter-country adoption

27 Inter-country adoption is permitted in accordance with the principles of international law in cases where it is in the child's best interests and where the relevant safeguards and standards equivalent to those applicable to domestic adoption apply in order to protect the welfare of the child. Under no circumstances should any party profit through this process

28 A child may be trafficked for the purposes of adoption outside of their country of origin. Where this is the case, those involved may attempt to deceive the authorities in order to benefit financially through payments by the prospective adopter. The adopter may in certain circumstances be unaware of the circumstances of the child's availability for adoption. This process may

include payment, coercion, or deception of the birth parents or in certain cases the abduction of the child

- 29 Practitioners who suspect that a child may have been trafficked for the purposes of adoption should follow the steps outlined in chapter 8 of this policy. Practitioners may wish to refer to the [Statutory Guidance for the Adoption and Children Act 2002 \(2011\)](#)

7. THE IMPACT OF TRAFFICKING ON HEALTH AND WELFARE

- 30 Trafficked children are deprived of their right to health care and freedom from exploitation. They are also usually denied their right to an education and the opportunities which this otherwise would bring. The scope of abuse which trafficked children suffer is diverse, but can include:

7.1. Physical abuse

- 31 Which may include:

- Physical beating
- Physical disorders such as skin diseases, backache and migraine
- Physical injuries requiring medical attention, or historic injuries which have been untreated with potential to cause future medical issues
- Forced intoxication with drugs upon which they may become dependent. This in some circumstances traps the child within a cycle of exploitation, where they continue to 'work' in return for a supply of drugs
- Addiction to alcohol

7.2. Emotional and psychological abuse

- 32 Which may manifest in the child SVoHT as:

- Disorientation, having left or been taken from their family environment. This disorientation can be increased for children who are required to assume a new identity or no identity at all
- A feeling of isolation from local community through (i) having their movement controlled/restricted by trafficker. (ii) Being kept away from school. (iii) Being unable to speak English

- 33 Children who have been exploited are likely to have incurred mental harm. Usually where the exploitation has been over a protracted period, there will be more mental health issues experienced. This may include:

- Dependent relationship with their trafficker/s
- Potential post traumatic stress disorder owing to a sense of powerlessness further to exploitation involving violence and deprivation at the hands of the traffickers
- Increased anti-social tendencies, including aggression and anger and/or becoming increasingly fearful and nervous
- Symptoms of stress, such as nervous breakdowns, irritability, flashbacks, anxiety issues and nightmares

7.3. Sexual abuse

34 Part or all of the trafficking exploitation may have taken the form of sexual abuse. Children who have been trafficked into the sex industry or for the purposes of any form of sexual exploitation, are at risk of sexually transmitted infections such as HIV/AIDS. For females, there is a risk of unwanted pregnancies and damage to reproductive health

8. CROYDON COUNCIL'S IDENTIFICATION AND REFERRAL PROCESS FOR SUSPECTED VICTIMS OF HUMAN TRAFFICKING

(See APPENDIX A)

8.1. Identifying trafficked children (indicators on page 8)

35 All Croydon Council practitioners who come into contact with children and young people through their everyday work need to be able to recognise children who may have been trafficked and also be competent to support and act to protect these children from harm

36 The nationality and/or immigration status of a child does not affect Croydon Council's statutory responsibility under the 1989 or 2004 Childrens Acts. Issues relating to nationality and immigration status should be discussed with the UKVI only when the child's need for protection from harm has been addressed. These issues should not hold up action to protect the child from harm

37 All agencies working with children who may have been trafficked into the UK and also internally within the UK should work together, in order to promote the child's welfare and to provide the same standard of care that is available to any other child in the UK. Practitioners should remain aware that this may be the crucial intervention which breaks the cycle of the child's vulnerability to future exploitation

8.2. Referral of Suspected Victim of Human Trafficking to Croydon Council First Responder

38 Any Croydon Council practitioner, external agency staff member or member of the public with a concern that a child may have been trafficked should refer the child to the Croydon Council Childrens Services

39 All SVoHT who are unaccompanied children should be referred to Permanence Service 1 on:
Tel. 0208 686 4433 ext 61909, 61657, 88915, 62630, 64084, 64083
Email. umt.duty@croydon.gov.uk

40 All SVoHT who are accompanied children should be referred to MASH Assessments on:
Tel. 0208 726 6400 (hold for emergency duty officer)
External email. childrens.assessmentmailbox@croydon.gov.uk
Internal email. childrens.assessmentmailbox

- 41 All SVoHT who are adults should be referred to the No Recourse to Public Funds Team (NRPF) on:
Tel. 0208 726 6000 ext 62574 or 84395
External email. ain@croydon.gov.uk
Please see Croydon Adult Trafficking Protocol at
http://intranet.croydon.net/cypl/human-trafficking/adult_trafficking_protocol.pdf

8.3. Croydon Council First Responders – Unaccompanied Minors (Permanence Service) and MASH Assessments

- 42 The Permanence Service will look at child cases of trafficking where the suspected victim is an unaccompanied minor. The unaccompanied minor may be a UK or foreign national
- 43 The MASH Assessments Team will look at child cases of trafficking where the suspected victim is an accompanied minor. The accompanied minor may be a UK or foreign national
- 44 The Permanence Service or MASH Assessments should determine a course of action within 24 hours. In certain circumstances, prompt actions may be required to reduce the chance of the child going missing
- 45 On receipt of the referral, the case of the SVoHT will be allocated to a social worker within the Permanence Service or MASH who is trained and aware of the indicators of human trafficking and the completion of the NRM form
- 46 If the referrer has implied that the child may be a victim of human trafficking, the social worker should clarify with the referrer as to their concerns relating to the SVoHT. The social worker should find out why the referral has been made and what has made the referrer believe that the child may be a victim of trafficking or in the UK illegally (if this is the premise upon which the referral has been made). The social worker should take contact details for the referrer and ask the referrer to put their concerns in writing to ensure a clear and accurate audit trail is maintained

8.4. Actions during an initial assessment and human trafficking assessment

- 47 An initial assessment of the child's needs and circumstances should be undertaken which is in accordance with [Working together to safeguard children](#)
- 48 Where a child is a SVoHT, the Permanence Service or MASH practitioner should also consult the London Safeguarding Childrens Board (LSCB) trafficking toolkit which can be found at:
http://www.londonscb.gov.uk/files/2010/trafficking/london_safeguarding_trafficked_children_tools_mar_2011.pdf
- 49 When dealing with a child SVoHT, the practitioner should complete the following trafficking assessment:

<http://www.homeoffice.gov.uk/publications/crime/referral-forms-human-trafficking/national-referral-form-child?view=Binary>

When completing this assessment, particular attention should be paid to the risk assessment matrix which can be found on pages 24 – 25 of the trafficking assessment

- 50 If there is an assessed risk of serious, immediate harm to the life of the child, it is necessary to ensure that the child remains in a safe place or be removed to a safe place. This can either be achieved voluntarily, or through acquiring an Emergency Protection Order (EPO). The police also have powers to remove a child; however this should only be done in circumstances where there is insufficient time to obtain an EPO, or if there are concerns about the immediate safety of the child. Where the child is a SVoHT, it is possible that evidence of risk to life may not be immediately apparent. Permanence Service or MASH practitioners should contact the Police by dialling 101 or 999 (in an emergency) in order to discuss intervention and EPO action in relevant cases.
- 51 The Permanence Service or MASH Assessments practitioner leading the initial assessment and human trafficking assessment should collect all relevant information (including historic information). The practitioner should, if appropriate, request information from their equivalent agency within the country or countries in which the child has lived in order to obtain information if the child and family have spent time abroad. Information as to who to contact may be obtained from the Foreign and Commonwealth Office on 0207 008 1500 or the appropriate Consulate or Embassy based in the UK. A full diplomatic list can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270475/LDL_January_2014.pdf
- 52 During the trafficking assessment, the practitioner should verify all documentation which is held by the referrer and other relevant agencies. If available, the items of documentation to be checked are; passport, Home Office papers, birth certificate and proof of guardianship. All possible types of documentation should be considered and this is not an exhaustive list. A recent or new photograph of the child should be added to the practitioner's file, together with the aforementioned documentation
- 53 The practitioner looking at the documentation should pay particular attention to the following details:
- date of issue
 - length of visa
 - resemblance of child to photograph on identification document
 - whether the name of alleged parent is the same as stated on the identification document
 - authenticity of document. Copies to be taken of identification documents in order to ensure that further checks can be made as necessary
- 54 The CA within the UKVI will be able to provide a clear explanation of the immigration process, as well as documentation needed and leave to enter the

UK. They will also be able to provide an opinion as to the authenticity of particular documents (see point 61 for UKVI contact details)

55 For any query relating to a SVoHT, advice may be sought directly from the UKHTC tactical advisors on 08447782406 or UKHTC@soca.x.gsi.gov.uk

56 The National Society for the Prevention of Cruelty to Children (NSPCC) operates the Child Trafficking Advice and Information Line (CTAIL). This service may be contacted by any practitioner who has concerns that a child may be a victim of trafficking. CTAIL is a specialist service and can provide valuable advice and information to practitioners. This service is designed to assist practitioners when dealing with child SVoHT.

Recently CTAIL became a first responder and can refer cases directly into the NRM.

CTAIL tel: 0800 107 7057 from 9:30am – 4:30pm (office hours)

or tel: 0800 800 5000 from 4:30pm – 9:30am (outside of office hours)

email: ctail@nspcc.org.uk

8.5. Section 47 enquiries and interview

57 Section 47 enquiries should commence once the emergency action has been executed or further to the initial assessment if no emergency action has been taken. Emergency action can only address the child's immediate circumstances

58 A section 47 enquiry is to determine whether action is needed to safeguard and promote the welfare of the child or children who are subject to enquiries

59 In all cases involving a SVoHT, a joint strategy discussion must be held between Permanence Service or MASH Assessments and the investigating Police Officer/s.

60 A strategy discussion should be held with Police within four hours of initial suspicion that the child is a SVoHT. The strategy discussion should be held within one hour if there is concern that the welfare and safety of a child is, or may be in immediate danger.

61 The strategy discussion should determine whether a joint interview should be held and also, if necessary, with the family or carers of the SVoHT. The discussion may involve the UKVI and also Police representation. At this stage it may be useful to involve immigration officials in the decision as outstanding immigration concerns may require resolution

Contact the CA at the UKVI Croydon Local Immigration Team

Jade Smithers - jade.smithers@homeoffice.gsi.gov.uk

Khalil Ullah – khalil.ullah@homeoffice.gsi.gov.uk

Tel - 0208 603 8386 - 8am – 4pm Fax – 0208 760 2774

Out of hours duty hotline – (tbc)

Address: 9th Floor Green Park House

29 Wellesley Road

Croydon

CR0 2AJ

The immigration team may take direct queries from practitioners relating to detailed status checks either prior to, or during the NRM procedure

- 62 Where a decision is taken to visit and interview a child and family, the SVoHT should be seen by the lead social worker from the Permanence Service or MASH Assessments. This interview should be conducted without his/her guardian/s present when appropriate and also within a timescale which is appropriate to the nature of the concerns. Children who are being trafficked will ordinarily repeat a coached story about their circumstances and will not be in a position to speak freely until they feel safe and comfortable. For this reason, it is preferable for the child to be interviewed in a safe environment without the carers being nearby. If English is not the child's preferred language, then an interpreter should be used. In cases where a child is a SVoHT, the interpreter should not be the sponsor, or any adult claiming to be a relative, guardian or parent
- 63 Practitioners should consider interviewing children in school as they may feel more able to talk outside of their home environment. When contacting the SVoHT, practitioners should consider using phone, email or text.
- 64 The interview should focus on the following areas:
- Family composition, sibling/s, age/s, history
 - Employment of parents
 - Daily routine and duties performed around the house
 - The school placement of the child in the UK
 - Length of time in the UK (if not UK national)
 - Where the child lived in their country of origin (if not UK national)
 - Where the child went to school in their country of origin (if not UK national)
 - Who cared for the child in their country of origin (if not UK national)
- 65 Adult family members should be interviewed separately, covering the same areas as those covered with the SVoHT. The responses can then be compared to check for consistencies and differences
- 66 All documentation should be seen and checked. This includes documents mentioned in point 52 as well as any other available identity documentation. Checks should be conducted also on the identity documentation presented to the school at point of admission. It is very unlikely that a person does not know where their child/ren's official documentation is kept, therefore, if told that the passport or paperwork is missing, this information could be considered as an indicator that the child may have been trafficked
- 67 The interview should be conducted as fully and completely as possible. This can help to ensure accuracy and avoid multiple intrusions into the family for a longer period than necessary
- 68 Child SVoHT are vulnerable and may have encountered traumatic experiences throughout this period. The child's best interest will be the highest priority for the agencies involved, however it is vital that the processes used by Croydon Council, Police and UKVI contribute to a streamlined

approach to gathering information on the child's experiences and needs. This will minimise the impact on the SVoHT and ensure that they are not unnecessarily asked to recount potentially distressing experiences to different agencies. For this purpose, the NRM provides a useful and valuable tool in order for agencies to gather and share information on potential victims. The NRM is covered in full in chapters 9 & 10

69 The outcome of the Section 47 enquiry should be recorded on the Outcome of Section 47 Record

8.6. Action on completion of Section 47 enquiries

70 On the completion of section 47 enquiries, the Permanence Service or MASH Assessments practitioner assigned to the case should meet with their manager, referring agency (if appropriate), the Police as well as any other involved professionals in order to discuss and decide upon further action. Until multi-agency agreement has been obtained and this meeting has been held, no decision or further action should be taken unless there is a requirement for emergency action

71 Where the findings of the enquiries are that the child SVoHT is not a family member and is also not related to any other known person in the UK, immediate consideration should be given as to whether the child should be removed from the household. Also, legal advice may be sought on making a separate application for immigration status by the Permanence Service or MASH Assessments practitioner.

72 In order to address the needs of the SVoHT, the following services should be considered:

- CRB checked and independent interpreters
- Independent legal advice
- Sexual health services
- Medical services
- Counselling
- Education

8.7. Age Assessment/Dispute

73 SVoHT may have no identifying information, or their documents may be false. They may also have not told the truth about their age in order to evade attention from authorities. As such, it is possible that some SVoHT may claim to be children when they are over 18 years of age

74 Where it is not clear whether a young person is a child, in accordance with the United Nations Convention of the Rights of the Child, the young person should be treated as a child. This is the same approach as that which is adopted by the Council of Europe Convention on Action against Trafficking in Human Beings

75 If there is uncertainty about the age of the SVoHT, the Permanence Service or MASH Assessments will be responsible for assessing their age. The requirement of provision of care for a child SVoHT found, rescued or

presenting in Croydon rests with Croydon Council as required by the Childrens Act 1989

- 76 The court will consider any evidence available which may be indicative of the age of the child. This may include but is not limited to, passport, school records or a Police National Computer (PNC) printout verified by fingerprints, including oral evidence provided by people who know the child
- 77 For further reference on age assessment, see [R \(on the application of A\) \(FC\) \(Appellant\) v London Borough of Croydon \(Respondents\) and one other action R \(on the application of M\) \(FC\) \(Appellant\) v London Borough of Lambeth \(Respondents\) and one other action.](#) This particular case saw the Supreme Court find that the local authority must make a decision as to the age of the child in the first instance and that if there is a dispute thereafter it is for the court to determine whether the young person is a child
- 78 The Secretary of State's 2007 Policy on Age Dispute cases states that in a borderline case, the policy is to give the individual the benefit of the doubt and treat him/her as a child. If his/her appearance "very strongly" suggests that he/she is aged eighteen or over, the officer will dispute the age unless there is credible documentary or other evidence to show the age claimed. However, if the appearance of the individual "very strongly" suggests that he/she is aged "significantly" over eighteen, then he/she will be treated as an adult

8.8. Appropriate Accommodation

- 79 A high number of trafficked children go missing from Local Authority care. Research information suggests that most trafficked children go missing from care within the first 72 hours to one week of their time in care. The two main reasons for a child to go missing after becoming known to Childrens services are (i) the trafficker still has control of the child and seeks to remove the child from the area as soon as possible or (ii) the child runs away from their care placement out of fear of (a) the authorities or (b) being found by their trafficker
- 80 Local authorities have a duty to provide safe accommodation for child SVoHT. In order to minimise the chance of child SVoHT going missing from care the local authority's responsibility is twofold. Firstly, it is vital to raise awareness amongst practitioners and foster carers. Trafficked children require greater oversight than other children in care so that they do not fall back into the hands of their traffickers. Secondly, it is important to ensure that a suitable, safe placement is provided which is secure for SVoHT. It is also important to tailor service provision for children who leave care, but are still vulnerable to exploitation by their traffickers.
- 81 Decisions taken by the Permanence Service or MASH Assessments relating to provision of accommodation for trafficked children should focus upon breaking the link between the child and the trafficker as well as making provision for close monitoring within the child protection framework
- 82 The care plan for SVoHT, should include strategies to minimise the possibility of the child going missing. This may include measures such as close monitoring of phone calls and internet access as well as movements to and

from the accommodation. The care plan should also include the details of agencies which should be notified if the child goes missing, including the Police and UKVI

83 It is vital that needs and risk assessments are sensitively managed. The SVoHT may need to be in a safe place before any assessment takes place. It is therefore important that:

- The location of the child should not be given out to any enquirers until they have been interviewed by a social worker and their identity and relationship or connection with the child established. If necessary, assistance should be sought from the Police or UKVI. In particular, adults who claim a family connection to the child should have their claim verified and due caution should be exercised in case they are the trafficker or a relative/acquaintance colluding with the trafficker/s
- Foster carers/ residential workers should be fully trained on how to work with victims of human trafficking and also aware of the need to be vigilant about anything unusual such as, cars outside the premises and telephone enquiries direct to the placement

84 Where there is a suspicion that the SVoHT has moved elsewhere in the country the Permanence Service or MASH Assessments practitioner should consider applying for a recovery order if appropriate

8.9. De-briefing suspected child victims

85 In order to gain further information and intelligence, it is important to de-brief children who have, or may have been trafficked. When planning such a de-briefing, Permanence Service or MASH Assessments practitioners should consider that the required information may have been forthcoming in an interview with the UKVI or police. A further interview may not be necessary if sharing information would provide the required intelligence and this would be the preferred outcome

86 If the situation does require a de-brief interview, best practice dictates that a practitioner who has an existing, positive relationship with the child, conduct the interview

87 The outcome of a de-brief interview may require immediate action by the police or the local authority which should be planned for in advance. Therefore, the planning of the interview should also consider the support provisions to be provided to the child after the interview

8.10. Support provision to child witnesses

88 Prior to a child agreeing to participate in trial proceedings a formal assessment of risks posed to the child and their family should be carried out by the Permanence Service or MASH Assessments practitioner. This assessment should consider whether there is a threat to the child both during or after the legal proceedings

89 At the risk assessment stage, the Permanence Service or MASH Assessments practitioner may wish to contact Barnardo's in order to commence their involvement in a case.

Contact - Kate Norman – t: 07957320336

e: kate.norman@barnardos.org.uk

Alternately, contact the Barnardo's London Young Women's Project Trafficking Service on 0207 700 2253

PO Box 34727

London

N7 8YQ

Barnardo's may offer both practical and emotional support.

Practical support aspect constitutes access to legal help, advocacy, as well as attending meetings with solicitors and immigration. Barnardo's are also able to provide information to the SVoHT's of their rights in the UK. Services may also be provided to victims of internal trafficking.

Emotional support aspect involves working through issues of personal safety with the SVoHT and providing information on healthy relationships as opposed to exploitative ones. Barnardo's are able to make referrals for counselling

90 The child may fear reprisals against their family in their home country or in the UK in cases of internal trafficking, if they co-operate with childrens social services or the police. The child may also fear being deported if they believe/have entered the country illegally, lied on their visa application, used false immigration documents, or in the course of being trafficked have been forced to commit criminal offences. As such, the assessment of the SVoHT's willingness and capacity to testify in court against their trafficker is complicated. These factors also apply to the process whereby information is gathered which may support the provision of care services

91 Due to the factors listed in point 90, children who might agree to testify in a case against their trafficker/s may fear that their account will be discredited in court. No child should be coerced into testifying in court against a trafficker

92 Whether a vulnerable or intimidated child witness should receive therapy should be determined by the Permanence Service or MASH Assessments practitioner through their work with the SVoHT and with reference to the multi-agency guidance of [Provision of Therapy to Child Witnesses Prior to a Criminal Trial](#). Studies suggest that children benefit greatly from such support before, during and after trials. Support should also be provided where appropriate to child SVoHT who are not involved in criminal proceedings against their traffickers

93 The protection which is required by children participating in legal proceedings differs from the more basic protection which may be provided to other trafficked children. This is due to the real and increased risk that the procedures which are used during trials may expose the SVoHT to harm. As such, protection must be afforded:

- before the trial and in the period whilst awaiting the trial

- during the trial, which will include in-court protection and child friendly procedures
- after the trial, when the trafficker is released from custody or prison
- consideration must be given to the possibility that the sentenced trafficker operated as part of a network which may include individuals who are either unknown, at large, or did not fall within the remit of the court case for any reason. As such, a threat may still exist to the trafficked child even in cases where a trafficker or traffickers are incarcerated

94 The identity and the secure location of children should not be publicly disclosed. This is to ensure that the child's privacy is respected and that they remain secure (see section 8.8)

95 Under the Convention on the Rights of the Child, specific measures to protect children's rights and interests are set forth within [Article 8 of the Optional Protocol on the sale of children, child prostitution and child pornography](#) as follows:

- (a) Recognising the vulnerability of child victims and adapting procedures to recognise their special needs, including their special needs as witnesses;
- (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
- (d) Providing appropriate support services to child victims throughout the legal process;
- (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
- (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

9. THE NATIONAL REFERRAL MECHANISM (NRM)

96 In accordance with the requirements of the [Council of Europe Convention on action against Trafficking in Human Beings](#), the UK has a National Referral Mechanism (NRM) for the identification and recording of victims of trafficking and ensuring that they are provided with appropriate support wherever they may be in the UK

97 The NRM operates alongside existing European, refugee and human rights law, so those who are trafficked may make other applications to remain in the UK based on either European, refugee or human rights law

98 First Responder:

- To be referred to the NRM, SVoHT must first be assessed by a 'first responder' (FR). The initial referral will generally be handled by an authorised agency such as Croydon Council social services, Croydon Police, the UKVI or certain NGOs. Recently, the NSPCC and Barnardo's have taken on the status of FRs also

99 Competent Authority:

- The FR will complete an NRM form to progress the case on to the Competent Authority (CA). Trained specialists at the UKVI and UKHTC make decisions about who is a victim of trafficking. The UKVI and UKHTC act as the UK's CAs with the ultimate responsibility of determining whether to uphold the frontline professional's grounds for believing that the child has been trafficked.
- The referrals which are sent for consideration to the CAs will contribute to a build up of evidence relating to child trafficking and will ultimately inform operational staff and policy makers in order that appropriate decisions and actions may be taken in order to combat child trafficking. Therefore, the referral of SVoHT to the UKHTC directly contributes to the UK's efforts to tackle human trafficking and may lead to a reduction in the number of children who are trafficked into the UK for the purposes of exploitation.

10. NRM REFERRAL TO UKHTC

(See APPENDIX B)

10.1. Progressing NRM form to Competent Authority

100 The Permanence Service or MASH Assessments FR should make a referral through to the CA by means of the NRM within 48 hours of the suspicion of human trafficking arising. If the Permanence Service or MASH Assessments practitioner believes that there will be more information forthcoming which may be required before the CA makes a reasonable grounds decision, this proviso should be communicated to the CA at the time of the NRM submission by attaching an addendum note to the form

101 All completed NRM forms should be sent to the UKHTC via email to ukhtc@soca.x.gsi.gov.uk or by fax to 08704965534

102 The signed NRM form is restricted information once completed

103 The officer within the CA to which the case is assigned will contact the referring FR within 48 hours in order to introduce themselves and to confirm

their contact details. This is necessary in order to ensure that the referring practitioner from Croydon Council is aware with whom to correspond in order to communicate any further information or evidence which may need to be taken into consideration by the CA in coming to their reasonable grounds or conclusive decision

104 All new info which comes to light post NRM referral submission, should be submitted by email to the relevant CA

105 In cases of child trafficking there is no need to seek permission or consent from the SVoHT before submitting the NRM to the CA. Where the SVoHT is an adult, the NRM form must be signed by the suspected victim before it may be submitted to the CA (this may be relevant in cases where the suspected victim is under age dispute)

106 The completed NRM forms are forwarded by the allocated social worker to their team manager for authorisation and submission to the UKHTC

107 All completed and authorised NRM forms are sent to the UKHTC in the first instance. The UKHTC then determines which CA will deal with the case and will forward the papers to the appropriate officer as required

108 The UKHTC deal with referrals relating to internal trafficking and human trafficking within the EU, whilst the UKVI deal with referrals of SVoHT from outside of the European Economic Area (EEA)

10.2. The reasonable grounds decision of the Competent Authority

109 Once the FR has referred the NRM form, the details provided will be considered along with any other evidence available. The 'reasonable grounds' test will be applied in order to determine whether at this stage of the process the CA suspects, but cannot prove that the person is a victim of human trafficking. Permanence Service or MASH Assessments practitioners may be required to supply further information if insufficient information has been provided or if specific information is required. The communication between the CA and the FR must be effective and clear in order to ensure as much relevant information is made available to the CA at all stages of the process

110 The child will be granted an extendable reflection and recovery period of 45 days if the CA finds there are reasonable grounds to believe the child is a victim of trafficking. During this period, any removal action by the UKVI will be suspended and this will allow for a more holistic assessment of whether the child is a victim of trafficking. The potential scope for criminal investigation can also be explored within this 45 day period

111 If the reasonable grounds decision is negative, there is no formal appeal structure, however the decision may be challenged at judicial review

10.3. The conclusive grounds decision of the Competent Authority

- 112 Further to a positive reasonable grounds decision, the CA are then required to make a conclusive decision as to whether the child is a victim of trafficking. At this stage, the referring Permanence Service or MASH Assessments practitioner will be consulted and also expected to feed in any further information which may help in arriving at the correct decision
- 113 In cases where the finding is negative on either reasonable grounds or conclusive decision, the child may still have safeguarding needs, in particular if unaccompanied. The Permanence Service or MASH Assessments practitioner should continue to assess the child's needs in line with statutory duty incumbent upon local authorities through the Childrens Act
- 114 A trafficked person can only be conclusively identified as such if the distinct elements of the crime of trafficking have been detected
- 115 In cases where the conclusive decision is that the individual is a victim of trafficking at the end of the 45 day recovery and reflection period, a decision **may** be made to extend the recovery period or to grant a one year renewable residence permit
- 116 If NRM reasonable grounds or conclusive decision returns as negative the practitioner may request the consideration minutes from the relevant CA.

11. REPATRIATION OF CHILD SVoHT

- 117 The repatriation of child victims, or SVoHT is a complicated process which involves the legal systems of both the country of origin and also the UK. Whilst Croydon Council does not have a defined role in the repatriation process, there remains a duty of care towards any child wishing to return to their country of origin. For this reason it is incumbent upon the Permanence Service or MASH Assessments practitioner to be assured that the returning child's safety and security has been taken into account if they are to return to their home country. In light of this, the local authority may decide to assist in preparing the child for return. This may involve some or all of the following:

11.1. Safety and Security

- 118 Croydon Council will consider the repatriation of a child victim of trafficking or a SVoHT when it is clear that it is safe to do so and on a case-by-case basis. As such, the Permanence Service or MASH Assessments must be confident that the child will not fall back into the hands of their traffickers after the completion of repatriation. The risk that the child may return to the same poor socio-economic condition from which they were originally trafficked must be considered also, as this increases the possibility that the child may be re-trafficked or exploited.
- 119 Repatriation of child victims of trafficking is not the specific responsibility of the local authority; however, the duty of care towards victims means that the Permanence Service or MASH Assessments will be involved in the decision-making process. For this reason, it is essential that the legal framework

within which these decisions are taken is understood and that the victim's safety and security is at the forefront of this process

120 If repatriation is being considered for a child, the Permanence Service or MASH Assessments practitioner should work closely with the relevant local authority in the victim's country of origin in order to ensure that the receiving authority has made provision for a continuous package of care. In order to facilitate this process it is possible to contact [Children and Families Across Borders \(CFAB\)](#) (which is the UK working title for International Social Services (ISS)) for assistance with inter-country liaison.

The contact details for CFAB are as follows:

CFAB

Canterbury Court, Unit 1.03

1 - 3 Brixton Road

London

SW9 6DE

Advice line: 020 7735 8941

Reception: 020 3176 0253

Fax: 020 7582 0696

Email: info@cfab.uk.net

Website: www.cfab.uk.net

Alternately, if the practitioner wishes to contact the relevant authorities in the country of origin without assistance from CFAB, please see section 52 for embassy and consulate details

121 Where necessary, the Permanence Service or MASH Assessments practitioner involved in the risk assessment and repatriation process may wish to consider travelling with the child/ren in order to assess the situation in the child's country of origin and to confirm the family's identity. Particular attention must be given to the possibility that the child's family may have been involved in the trafficking process and this must be part of the original risk assessment. If the practitioner is not satisfied with the situation in the country of origin, or that the equivalent local authority in that country will be able to safeguard the child/ren from future trafficking or exploitation, the decision may be taken to place the child/ren in care in the UK in order to safeguard their safety and security

122 Recent case law and precedent relating to the repatriation of EU nationals can be seen in the case of *S v Slough Borough Council & ORS* (2008). In this case, the child's mother, (resident in Romania) was ruled by the UK courts to have been complicit in the trafficking of the child. However, the child's habitual place of residence was legally deemed to be Romania and as such, the courts ruled that the child had to be returned to her home country. Slough Borough Council attempted to invoke the Council of Europe Convention stating that a victim should not be returned if they are deemed to be at risk. However the courts ruled that EU legislation superseded the Convention in this case. The child was returned to Romania, accompanied by her social worker and handed to the National Agency for child protection in that country. This ruling may have significant impact on cases of similar circumstance arising in the future relating to states within the EU

12. USEFUL CONTACTS

123 For a list of other useful contacts not mentioned within this document please see the London Safeguarding Trafficked Children Toolkit 2011 ([Appendix 2 – Document A](#)) pages 34 – 36

APPENDIX A: CROYDON COUNCIL HUMAN TRAFFICKING PROCESS MAP

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